

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE,

Plaintiff,

v.

Case Number 09-12640

Honorable David M. Lawson

Magistrate Judge Virginia M. Morgan

HENRY FORD COMMUNITY COLLEGE,
GARY McBAIN, and DOCTOR MEED, President
of Henry Ford Community College,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING THE DEFENDANTS' MOTION TO DISMISS, AND DISMISSING THE
PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE**

Presently before the Court is the report issued on December 23, 2009 by Magistrate Judge Virginia M. Morgan pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion to dismiss and dismiss the plaintiff's complaint without prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The party's failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 18] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss [dkt. # 15] is **GRANTED** and the plaintiff's complaint is **DISMISSED without prejudice**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 12, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 12, 2010.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO